

## **REMARKS**

Applicants thank the Examiner for the thorough consideration given the present application. Claims 8, 10-23, and 25-27 are currently being prosecuted. The Examiner is respectfully requested to reconsider his rejections in view of the amendments and remarks as set forth below.

### **Rejection under 35 U.S.C. § 102**

Claims 8, 10-12, 14-17 and 19-22 stand rejected under 35 U.S.C. § 102 as being anticipated by Lopatinsky et al. (U.S. Patent 6,659,169). This rejection is respectfully traversed.

The Examiner states that Lopatinsky shows a centrifugal fan 105 including a rotary shaft, a motor and a plurality of blades 107, a heat sink 101 including first cooling fins 112 and second cooling fins with an annular cavity defined between the two sets of fins, the second fins having a lower portion, and a cover 115 formed on the heat sink. The Examiner furthermore states that the motor is mounted onto the cover away from the heat sink and that the rotary shaft is positioned away from the lower portions of the second cooling fins.

Applicants disagree with the Examiner's understanding of the Lopatinsky reference and its application to the claims. All three independent claims describe the motor as being mounted onto the cover. While the Examiner has said that the motor is mounted to the cover, in fact Lopatinsky fails to disclose the motor and its location in any fashion. Figure 8 shows that the rotary shaft 113 extends above the cover which would imply that the motor is disposed at a point external to the cooling device. Thus, Lopatinsky fails to show that the motor is mounted on the cover.

Further, it is noted that the arrangement of the second cooling fins in Lopatinsky is different than that of the present invention. In the present invention, the second fins have a reduced height below the rotary shaft and are spaced from the rotary shaft. In Lopatinsky, the base is raised in the center portion so that the second fins, which are of a reduced height are close to the rotary shaft. Thus, the reference does not teach the concept that there is a distance between the rotary shaft and the second cooling fins with the entire rotary shaft being located above the lower portion of the second cooling fins. In

view of these differences, Applicants submit that independent claims 8, 14 and 19 define over the Lopatinsky device. Accordingly, these claims are considered to be allowable.

Claims 10-13, 15-18, and 20-23 depend from these allowable independent claims and as such are also considered to be allowable.

### **Rejection under 35 U.S.C. § 103**

Claims 13, 18 and 23 stand rejected under 35 U.S.C. § 103 as being obvious over Lopatinsky et al. (U.S. Patent 6,659,169). This rejection is respectfully traversed.

The Examiner admits that Lopatinsky does not teach the heat sink is made of material chosen from the group of aluminum, aluminum alloy, copper, copper alloy, or a combination thereof. The Examiner feels that it would have been obvious to modify Lopatinsky's invention by using a heat sink made of the listed materials. Applicants submit that even if the Examiner is correct, these claims remain allowable based on their dependency from allowable independent claims.

### **New Claims**

Applicants have now added new dependent claims 25-27 which further describe the position of the motor as being between the cover and the second cooling fins. As seen in Figure 3, the motor 240 is mounted on the cover and is located in the space between the cover and the second cooling fins 131. This arrangement is clearly not seen in the reference. As indicated above, the motor is not shown at all, but the extension of the shaft upwardly through the cover seems to indicate that the motor is well on the other side of the cover. In any case, it is clear that the motor would not be mounted on the lower side of the cover. Further, since the second cooling fins are close to the rotary shaft in Figure 8 of the reference, there is no space to put such a motor so that having the motor in this location would not be obvious. Accordingly, Applicants submit that these claims are likewise allowable.

**CONCLUSION**

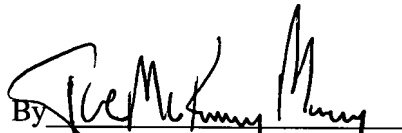
In view of the above remarks, it is believed that the claims clearly distinguish over the patent relied on by the Examiner. In view of this, reconsideration of the rejection and allowance of all of the claims are respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Robert F. Gnuse Reg. No. 27,295, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.


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Respectfully submitted,

By 

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